

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 14543US02

PATENT

In the Application of:

Jeyhan Karaoguz, et al.

Serial No.: 10/675,410

Filed: September 30, 2003

For: PERSONAL STREAMING AND
BROADCAST CHANNELS IN A
MEDIA EXCHANGE NETWORK

Examiner: Mendoza Jr., Jorge

Group Art Unit: 2623

Confirmation No.: 6495

Electronically Filed On June 26, 2008

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reasons stated on the attached sheets.

Respectfully submitted,

Date: June 26, 2008

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REMARKS

The present application includes pending claims 1-33, all of which have been rejected. In particular, claims 1-23 and 25-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2002/0016971 ("Berezowski") in view of U.S. 2004/0125789 ("Parker"). Claim 24 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Berezowski in view of Parker and U.S. 6,233,428 ("Fryer").

The proposed combination of Berezowski and Parker does not render claims 1-12 unpatentable. *See* April 28, 2008 Response at pages 11-13. Neither reference describes, teaches or suggests "server software that maintains a user defined association of the first and second network addresses [of the first and second set top box circuitries, respectively]." *See id.*

The Office Action acknowledges Berezowski does not describe, teach or suggest this limitation. *See* April 4, 2008 Office Action at page 4. In order to overcome this deficiency, the Office Action relies on Parker.

The Applicants have demonstrated that Parker does not overcome the acknowledged deficiency of Berezowski. *See id.* at pages 11-13. Instead, Parker merely discloses a lookup table of a requester's telephone number and IP address. *See id.* at page 12. **There is nothing in Parker that discloses that the patient or the care provider define an association of any information within that lookup table.** *See id.* at pages 12-13.

However, the Advisory Action now cites Parker at paragraphs [0023] and [0028] as disclosing the relevant limitation. *See* May 16, 2008 Advisory Action. As shown below, however, neither of these portions of Parker that the Examiner now relies on disclose the relevant limitation. First, Parker discloses the following:

In an alternate embodiment of the invention, a voice communication link may be provided within the data network rather than within a traditional telephone network. Therefore, a microphone 30 and a speaker 31 are coupled to set-top box 21 to provide two-way voice communication. In such an embodiment, wherein a telephone number is not dialed by the requester to complete a POTS call to the service provider, some other method is required for initiating a request signal and/or identifying the desired service provider. **This can be done using an alert button 32 (such as an emergency alert button or a call button used in hospital rooms) to generate a request signal.** If a set-top box is

pre-configured to only establish a video telephony session with one service provider workstation, then the request signal need not contain any further information. If multiple service providers are used, then a selection among pre-identified service providers or entry of identifying information can be performed using a computer mouse or keyboard, for example.

Parker at [0023] (emphasis added). As shown above, this portion of Parker discloses a voice communication link in which a request signal is initiated or a service provider is identified through the use of an alert button. There is nothing in this portion, nor the remainder, of Parker that describes, teaches or suggest “server software that maintains a **user defined association** of the first and second network addresses [**of the first and second set top box circuitries**, respectively].” Again, there simply is nothing in Parker that discloses that the person using the alert button **defines an association** between first and second network addresses of first and second set top box circuitries.

Next, Parker discloses the following:

One preferred method of the invention is shown in FIG. 5. In step 60, the **requester generates a request signal (e.g., by pressing an alert button or dialing a special telephone number for a service provider)**. **The network address of the desired service provider workstation is determined in step 61.** As previously described, the network address can be obtained **by consulting a database that translates an identifier (such as a telephone number) into an IP address.** Alternative, **the database may assign** a service provider workstation as a function of the identity of the requester (e.g., all hospital beds on a particular floor are assigned to a nurse's workstation on that floor).

Id. at [0028] (emphasis added). This portion of Parker explicitly discloses that a database is consulted to translate an identifier into an IP address. Like the rest of Parker, however, there is nothing in it that describes, teaches or suggest “server software that maintains a **user defined association** of the first and second network addresses [**of the first and second set top box circuitries**, respectively].” Again, there simply is nothing in Parker that discloses that the person using the alert button **defines an association** of first and second network addresses of first and second set top box circuitries.

The Applicants respectfully submit that the Office Action has not cited anything from any of the cited references that describes, teaches or suggests “server software that maintains a **user defined** association of the first and second network addresses [**of the first and second set top box circuitries**, respectively].” Thus, for at least this reason, the Office Action has not established a *prima facie* case of obviousness with respect to claims 1-12.

For at least the same reasons, the Applicants respectfully submit that the Office Action has not established a *prima facie* case of obviousness with respect to claims 12-19 (*see* April 28, 2008 Office Action at page 13), 20-23 and 25 (*see id.* at page 13), claims 26-33 (*see id.* at pages 13-14) or claim 24 (*see id.* at page 14).

The Applicants respectfully request reconsideration of the claim rejections for at least the reasons discussed above. The Commissioner is authorized to charge any necessary fees, including the \$510 fee for the Notice of Appeal, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: June 26, 2008

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